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WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036-5304 • (202) 861-1500
FAX (202) 861-1783

November 30, 2005

KENNETH C. HOWARD, JR.
WRITER'S DIRECT DIAL NUMBER (202) 861-1580
E-MAIL: KHOWARD@BAKERLAW.COM

RECEIVED

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NOV 30 2005

Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

Re: **TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST**
MB Docket No. 05-317
Scripps Howard Broadcasting Company
WEWS-DT, Cleveland, OH (Facility ID 59441)

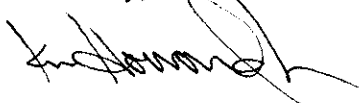
Dear Ms. Dortch:

Scripps Howard Broadcasting Company, licensee of broadcast television station WEWS-DT, Cleveland, Ohio, hereby respectfully requests a waiver as contemplated by Section 339(a)(2)(D) of the Satellite Home Viewer Extension and Reauthorization Act of 2004, 47 U.S.C. § 339(a)(2)(D), to prevent digital signal testing intended to establish eligibility to receive distant digital network signals from satellite carriers.

This waiver is sought pursuant to Section 339(a)(2)(D)(vii)(IV), on the ground that "the station experiences a substantial decrease in its digital signal coverage area due to the necessity of using a side-mounted antenna." The attached Engineering Statement prepared by John F.X. Browne & Associates, P.C., provides the necessary supporting documentation.

Accordingly, Scripps Howard Broadcasting Company respectfully requests that the FCC grant the foregoing request for waiver. If further information is required, please contact the undersigned.

Sincerely,



Kenneth C. Howard, Jr.
Counsel to Scripps Howard Broadcasting Co.

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List A B C D E

Ms. Marlene Dortch
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Attachment

cc: Nazifa Sawez, FCC (Room 2-A726)
WEWS Public Inspection File



ENGINEERING STATEMENT
IN SUPPORT OF
TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST
MB DOCKET No. 05-317
SCRIPPS HOWARD BROADCASTING
WEWS
CLEVELAND, OH
NOVEMBER 30, 2005

Scripps Howard (Scripps) is the licensee of WEWS-DT which operates on Channel 15 at Cleveland, OH and has certified to its "replication" facility. The WEWS-DT licensed facility (File #BLCDT20020304ACC) is presently authorized to operate with an ERP of 870 kW at an HAAT of 285m. The WEWS allotment (replication facility which has been certified-to by WEWS) specifies an ERP of 1000 kW at an HAAT of 311m. Presently, the WEWS licensed digital antenna is located near the top of the tower below the analog antenna at an HAAT of 313m. Since the DTV antenna has necessarily been placed below the analog antenna and lower on the tower than its certified height, it is in effect "side-mounted" rather than top-mounted. It will be relocated to a "top-mounted" position when the analog antenna is removed.

When the WEWS digital antenna was originally positioned on the tower, FAA height restrictions required that a section at the top of the existing tower be removed in order to maintain the overall height of the structure while accommodating the new DTV antenna below the existing analog antenna. Also, the tower had to be reinforced in order to support both the



analog and digital antennas and transmission lines. In order to move the digital antenna to the certified height, the WEWS analog antenna will be removed and the tower height will be increased to restore its original height. Therefore, WEWS cannot move its DTV antenna to the height necessary to achieve the certified HAAT until its analog antenna is permanently removed from the top of the tower.

In June 2005, Scripps filed a request for waiver of the July 1, 2005 "use-it-or-lose-it" deadline for construction of "full" certified facilities for WEWS-DT. The lower DTV antenna height will cause WEWS to experience a substantial decrease of approximately 1,066 sq. km (5.25%) in its digital signal coverage area within its DMA boundaries. The area that will not be served by the station during the DTV transition is depicted on the attached map.

Therefore, given the above information, Scripps is requesting a waiver for WEWS of the satellite subscriber digital signal testing requirements of Satellite Home Viewer Extension and Reauthorization Act of 2004.

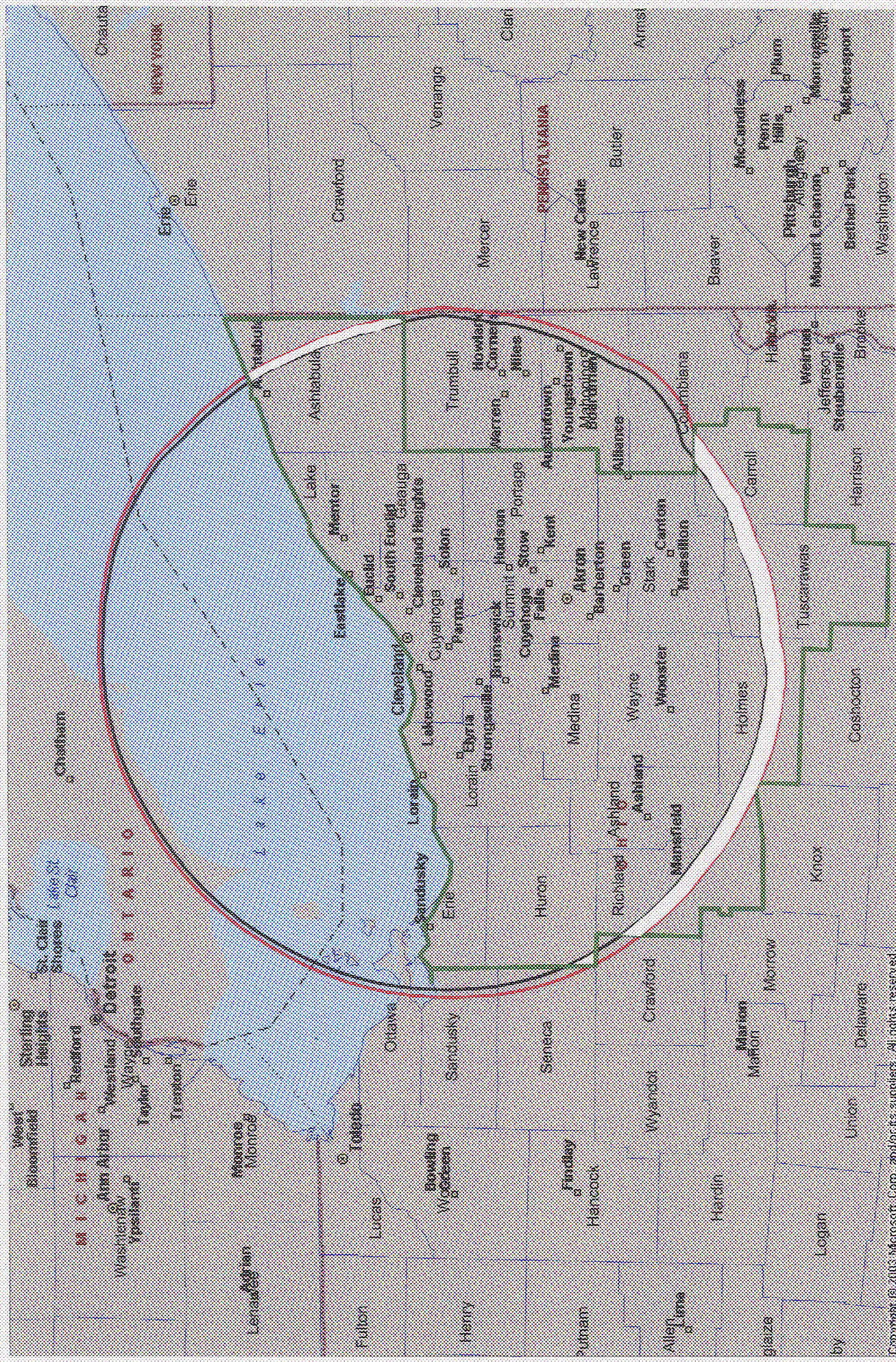
Certification

I hereby certify that the foregoing report or statement was prepared by me but may include work performed by others under my supervision or direction. The statements of fact contained therein are believed to be true and correct based on personal knowledge, information and belief unless otherwise stated; with respect to facts not known of my own personal knowledge, I believe them to be true and correct based on their origin from sources known to me to be generally reliable and accurate. I have prepared this document with due care and in accordance with applicable standards of professional practice.

John F.X. Browne, P.E.

Attached: Map

Area Not Served by WEWS During DTV Transition



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Red - WEWS 'Certified' Facility

Black - WEWS Existing (Transition) Facility

Green - Outline of DMA Counties

White Areas - Areas not served by WEWS during DTV transition